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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4298 OF 2004

IN

CRIMINAL APPEAL NO.524 OF 2003

Satish Vitthal Dhotre & Ors. ... Applicants

Vs.

State of Maharashtra ... Respondent

Mr. P.P. Hudlikar with Mr. U.R. Agandsurve for the applicants.

Ms. U.V. Kejriwal, A.P.P. for the State.

CORAM: SMT. RANJANA DESAI &
P.V. KAKADE, JJ.

DATED: 21ST DECEMBER, 2004.

P.C.:-

1. We have heard this application yesterday. This is an application for bail by the applicants, who are original accused 2 and 4 respectively. They have been sentenced for life imprisonment for the offence punishable under section 302 of the Indian Penal Code.

2. Mr. Hudlikar, the learned counsel appearing for the applicants had told us that he is not pressing the bail application of applicant 1 on merit. However, the learned counsel had requested us that applicant 2 may be released on bail on medical ground. We had, therefore, directed that applicant 2 be released on temporary bail of one month.

3. Though the order was dictated yesterday, it has not been transcribed. Before that, Ms. Kejriwal, the learned A.P.P. came and informed us that applicant 1 is on parole and he has not yet surrendered to the prison. Even applicant 2 is also released on furlough on 12/11/2004 and his due date to return to the prison was 27/11/2004. However, he has also not surrendered to the prison till date. In such circumstances, this bail application cannot be entertained. We hope that, in future, the applications are filed after taking proper instructions.

4. Application is rejected.

5. Jailor Mr. H.B. Ahirrao of Yerawada Central Prison, Pune, is present in the court. He has tendered in the court a report dated 20/12/2004, which is taken on record and marked "A".

(SMT. RANJANA DESAI, J.)

(P.V. KAKADE, J.)